

From: Brian Miller
To: Microsoft ATR
Date: 1/23/02 12:19pm
Subject: Microsoft Settlement

I am writing to express my disagreement with the proposed settlement in the case of US (Plaintiff) vs. Microsoft (Defendant) (Civil Action No. 98-1232).

As has been expressed by many others, the proposed settlement does little to discourage Microsoft from continuing the anti-competitive actions for which it has been found guilty. The opportunities for continued abuse by the Defendant under the proposed settlement are many and varied. As an example, I would like to direct your attention to the following:

Revised Proposed Final Conduct, Section III(J)(2)(c):

"No provision of this Final Judgment shall:...prevent Microsoft from conditioning any license...on the requirement that the licensee:...meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business,"

This clause allows for Microsoft to continue to dictate who and on what terms they will open their API to. All currently shipping versions of Microsoft operating systems (Windows 98/ME, Windows 2000, Windows XP) are Network Operating Systems by design, meaning that authorization and authentication security are designed into most of the APIs.

Allowing Microsoft to make the determination of what constitutes a "business" provides them the opportunity to keep in place market barriers to entry almost arbitrarily. This will have a deleterious impact on numerous commercial and Open Source projects such as SAMBA (SAMBA is an Open Source implementation of Microsoft's network storage protocols, which includes, by necessity, interfaces to Microsoft's User Authentication services). SAMBA is widely used throughout numerous US companies as it allows almost seamless integration with existing IT infrastructure while providing increased reliability compared to Microsoft's own solutions.

I humbly ask that this proposed judgment be deemed faulty and other remedies to conduct be imposed.

Very Respectfully,

Brian Miller
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